

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number: 04M-1009-JGD

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U.S. DISTRICT COURT
DISTRICT OF MASS

UNITED STATES OF AMERICA)
)
)
v.)
)
SHAUN TODD)

MOTION TO MODIFY ORDER SETTING CONDITIONS OF RELEASE

NOW COMES the defendant in the above-entitled matter and hereby moves the Court for an order modifying one of the conditions of his release.

Specifically, the defendant seeks modification of the provision which prohibits him from having contact with his brother, Brian Todd.

In support of the within Motion the defendant states as follows:

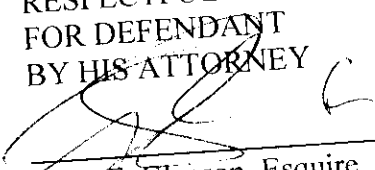
1. On March 5, 2004 the government filed a criminal complaint, in Massachusetts, charging the defendant with bank larceny, in violation of 18 U.S.C. §2114(b), case number C.R. No. 04M-1009-JED.
2. On the same date, the government also filed a criminal complaint, in Massachusetts, charging the defendant's brother, Brian Todd, with bank larceny in violation of 18 U.S.C. §2113(b), case number C.R. No. 04M-1010-JED.
3. All charges against both defendants stem from an alleged theft of funds from a Fleet Bank ATM located in Wilmington, Massachusetts on October 16, 2000.

4. The defendant was arrested and appeared before the United States District Court, District of New Hampshire on March 9, 2004 at which time he was released pursuant to a condition that he have no contact with his brother, Brian Todd.
5. The defendant's case was transferred to Massachusetts, pursuant to Fed. R. Crim. P., Rule 5, on March 9, 2004.
6. The defendant Brian Todd, who was arrested in Massachusetts and eventually appeared before this Court, does not have a condition of release that prohibits him from contacting his brother, Shaun Todd.
7. The defendants, who are brothers, enjoy a close relationship and wish to be able to communicate.
8. The defendants have the same attorney representing them for these offenses, which may require that they have the ability to communicate in order to prepare a defense.

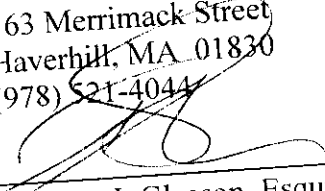
WHEREFORE, the defendant prays that the Court's order setting conditions of release be modified to allow him contact with his brother, the Brian Todd, and for such other and further relief as the Court deems appropriate.

Dated: July 9, 2004

RESPECTFULLY SUBMITTED
FOR DEFENDANT
BY HIS ATTORNEY



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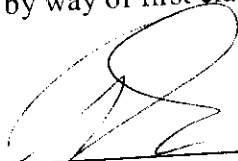



Thomas J. Gleason, Esquire
NH Counsel

CERTIFICATE OF SERVICE

I, Scott F. Gleason, Esquire, do hereby certify that I have this date filed and forwarded a copy of the within Motion To Modify Order Setting Conditions of Release to Donald L. Cabell, Assistant U.S. Attorney, John J. Moakley Courthouse, Suite 9200, 1 Courthouse Way, Boston, MA 02210 and US Probation Department, United States District Court, District of New Hampshire, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Concord, NH 03301-3941, by way of first class mail, postage prepaid.

Dated: July 9, 2004

Scott F. Gleason, Esquire